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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,586	10/17/2005	Ho-yeul Choi	NEK0018US	1511
23413 7590 06/01/2010 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER VETTER, ROBERT A				
ART UNIT		PAPER NUMBER		
1712				
NOTIFICATION DATE		DELIVERY MODE		
06/01/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

DETAILED ACTION

Examiner's Comments

An after-final amendment, amending claim 1, was received on 5/13/2010. However, because this amendment presents new issues which require further search and consideration, it has not been entered at this time. For example, the limitation that the method "consists essentially of" the listed steps rather than "comprises" those steps has not previously been presented and requires further search and consideration.

Response to Arguments

1. Applicant's arguments filed 5/13/2010 have been fully considered but they are not persuasive.

Applicant first argues that Izaki fails to teach the step of adding the chain transfer agent alone when a conversion ratio is 60-95% because Izaki teaches that conversion ratio is one of several factors to consider when adding the chain transfer agent. This is not persuasive. While Izaki teaches that other factors are relevant, Izaki expressly teaches that the chain transfer agent is used alone (4:4-8).

Applicant also argues that Izaki fails to teach a method consisting essentially of the step of adding the chain transfer agent alone when a conversion ratio is 60-95% because Izaki teaches that conversion ratio is one of several factors to consider when adding the chain transfer agent. This is not persuasive. While Izaki does look at other factors to determine the amount of chain transfer agent added, Izaki still teaches adding the chain transfer agent alone. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials or steps "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. MPEP § 2105. While applicant has pointed to comparative examples in their specification as support for the implied assertion that Izaki's teaching would materially affect the basic characteristics of the claimed invention, these comparative examples are directed at a process with triple shells. However, currently presented claim 1 is not limited to triple shell polymers (e.g. a double shell would read on the current claim) and, thus, are not commensurate in scope with this claim. As a result, applicant has not provided sufficient evidence to show that the step taught by Izaki would materially alter the basic characteristics of the claimed invention. This is further evidenced by

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the fact that, in each of the two examples Izaki cites at 4:13-33, conversion ratio is used, along with temperature, to determine the amount of chain transfer agent added.

Applicant also argues that Izaki fails to teach that the chain transfer agent is added after polymerization. This is not persuasive. Izaki teaches that the chain transfer agent is added after formation of the copolymer (i.e. after polymerization of the monomers) (3:51-4:8).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT VETERE whose telephone number is (571)270-1864. The examiner can normally be reached on Mon-Fri 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Vetere/
Examiner, Art Unit 1712